

Appl. No. 10/825,792
Docket No. 9215
Amdt. dated December 6, 2007
Reply to Office Action of 7/6/07
Customer No. 27752

REMARKS

Claims 12 - 43 are pending in the present application. No additional claims fee is believed to be due.

Claims 12, 25, 30, and 33, have been amended. Support for these amendments can be found in the specification, for example, at page 8, lines 20-25.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Psiharis in view of Volpenhein

Claims 12-22, 25-28, 30, and 33-42 have been rejected under 35 USC § 103(a) as unpatentable over U.S. Patent No. 2253210 issued to N. Psiharis, hereafter, "Psiharis" in view of WO 98/18364 filed on behalf of Volpenhein, hereafter, "Volpenhein". Applicants respectfully traverse the rejection by the Office.

It is well settled that in order to establish a *prima facie* case of obviousness, three requirements must be met. MPEP §2143. First, there must be some suggestion or motivation, either in the cited references or in the knowledge generally available to one ordinarily skilled in the art, to modify the reference. *Id.* Second, there must be some reasonable expectation of success. *Id.* Third, the cited references must teach or suggest all of the claim limitations. *Id.*

Claims 12, 25, 30, and 33, recite, in part, that the brushing surface comprises "a bristle carrier configured to move with respect to the head." According to Applicants' understanding of Psiharis and Volpenhein, neither reference teaches or suggests a bristle holder which is movable with respect to the head. As such, Applicants assert that the suggested combination of Psiharis and Volpenhein fails to teach or suggest all of the claim elements of claims 12, 25, 30, and 33. Accordingly, Applicants assert that claims 12, 25, 30, and 33, are nonobvious over the suggested combination of Psiharis and Volpenhein. Additionally, because claims 13-24; 26-29; 31-32; and 34-42 depend from claims 12, 25, 30, and 33, these claims are similarly nonobvious over the suggested combination of Psiharis and Volpenhein.

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Rejection Under 35 USC §103(a) Over Psiharis in view of Volpenhein and further in
view of Kott

Claims 23-24, 29, 31, and 32 have been rejected under 35 USC § 103(a) as unpatentable over Psiharis in view Volpenhein and in further view of U.S. Patent No. 3196299 issued to H. Kott, hereafter, "Kott". Applicants respectfully traverse the rejection by the Office.

In its rejection, the Office states that "Kott teaches an electric handle for converting a regular toothbrush to an electric toothbrush. The handle allows the toothbrush to vibrate or oscillate automatically. The toothbrush head pulses back and forth when inserted into the motorized handle." (Office Action page 6).

As discussed previously, claims 12, 25, 30, and 33, have been amended to include, in part, a bristle carrier "configured to move with respect to the head." In contrast, Kott, teaches a mechanism by which a manual toothbrush can be manipulated by a motor in a handle. However, Kott does not teach a bristle carrier which is configured to move with respect to the head. Because claims 23-24, 29, 31, and 32, depend from claims 12, 25, and 30, claims 23-24, 29, 31, and 32, include all of the limitations of the independent claims from which they directly or indirectly depend. As such, the suggested combination of Psiharis, Volpenhein, and Kott, fails to teach or suggest all of the claims elements of claims 23-24, 29, 31, and 32. Accordingly, Applicants assert that claims 23-24, 29, 31, and 32, are nonobvious over the suggested combination of Psiharis, Volpenhein, and Kott, and respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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Date: December 6, 2007
Customer No. 27752